UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,181	04/04/2001	Mark E. Pecen	CS10742	2854

7590   07/01/2004

Michael C. Soldner
Motorola, Inc.
Intellectual Property Section, Law Department
600 North U.S. Highway
Libertyville, IL   60048

EXAMINER
MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 January 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _04 April 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _1/21/03, 7/6/01_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are pending in the application.

2. Claims 1-20 have been rejected.

Specification

3.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract exceeds the 150-word limit.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Warsta U.S. Patent No. 5,713,073.

As to claim 1, Warsta discloses a client device remotely accessing a packet data network through a server device, the client device comprising:

an actuator executing a control command input by a user; and

an authenticator application unit storing a user unit code received from the server device and comparing the stored user unit code with a user unit code received with the control command, wherein the actuator executes the control command in response to the stored user unit code being the same as the user unit code received with the control command [column 5, lines 14-65].

As to claim 2, Warsta discloses that the authenticator application unit updates the stored user unit code, using a predetermined algorithm for updating the user unit code at the server device, in response to the stored user unit code being the same as the user unit code received with the control command [column 6, lines 14-54].

As to claim 5, Warsta discloses that the authenticator application unit terminates execution of the control command in response to the stored user unit code not being the same as the user unit code received with the control command [column 7 line 43 to column 8 line 3].

As to claim 14, Warsta discloses a method of authentication of a client device utilizing remote multiple access to a server device, comprising the steps of:

generating and transmitting a unique identifier over the packet data network between a client device and the server device;

storing the unique identifier at the client device and at the server device;

transmitting a control command including the identifier stored at the server device over the packet data network from the server device to the client device, and

determining at the client device whether the transmitted identifier is the same as the identifier stored at the client device and executing the control command in response to

the transmitted identifier being the same as the identifier stored at the client device [column 5, lines 14-65].

As to claim 15, Warsta discloses the step of updating the identifier stored at the client device and at the server device using a predetermined algorithm [column 6, lines 14-54].

As to claim 16, Warsta discloses the step of updating the identifier further comprises the steps of:

updating the identifier stored at the client device in response to the transmitted identifier being the same as the identifier stored at the client device;

transmitting an acknowledgement message over the packet data network from the client device to the server device, and

updating the identifier stored at the server device in response to the acknowledgement message [column 7, lines 20-42].

As to claim 17, Warsta discloses that the control command is terminated in response to the acknowledgement message not being received at the server device within a predetermined time period [column 5, lines 40-65].

As to claim 18, Warsta discloses that the control command is terminated in response to the transmitted identifier not being the same as the identifier stored at the client device [column 5, lines 14-65].

5. Claims 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mendez et al U.S. Patent No. 6,023,708.

As to claim 6, Mendez et al discloses a mobile telecommunications system enabling a client device to remotely access a packet data network through a server device, comprising:

a first authentication application unit, positioned within the client device, transmitting a first synchronization command to the server device over the packet data network; and

a second authentication application unit, positioned within the server device, generating a user unit code and transmitting the generated user unit code to the client device over the packet data network in response to the first synchronization command, wherein the generated user unit code is stored by the client device and by the server device and the second authentication application unit transmits a message to the client device over the packet data network, the message including a control command and the user unit code stored in the server device, and wherein the first authentication application unit compares the user unit code received in the message with the user unit code stored in the client device and executes the control command in response to the user unit code stored in the client device being the same as the user unit code received in the message [column 7, lines 6-57].

As to claim 7, Mendez et al discloses that the first synchronization command corresponds to a first user input to the client device. Mendez et al discloses that the second authentication application unit generates the user unit code in response to a second synchronization command corresponding to a second user input to the server device. Mendez et al discloses that the first and second synchronization commands corresponding to a synchronization process between the first and second authentication

application unit. Mendez et al discloses that the synchronization process is terminated in response to both the first and second synchronization commands not being input within a predetermined time period [column 8, lines 4-23].

As to claim 8, Mendez et al discloses that upon receipt of the generated user unit code, the first authentication application unit transmits an acknowledgement message to the second authentication application unit, and wherein the second authentication application unit terminates the synchronization process in response to the acknowledgement message not being received within the predetermined time period [column 9, lines 18-41].

As to claim 9, Mendez et al discloses that the second authentication application unit stores the generated user unit code in response to the acknowledgement message [column 8, lines 4-23].

As to claim 10, Mendez et al discloses that the first authentication application unit updates the user unit code stored in the client device using a predetermined algorithm and transmits an acknowledgement to the second authentication application unit over the packet data network in response to the user unit code stored in the client device being the same as the user unit code received in the message [column 9 line 49 to column 10 line 4].

As to claim 11, Mendez et al discloses that the control command is terminated in response to the acknowledgement not being received by the second authentication application unit within a predetermined time period [column 10 line 66 to column 11 line 14].

As to claim 12, Mendez et al discloses that the second authentication application

unit updates the user unit code stored in the second application unit, using the

predetermined algorithm, in response to the acknowledgement [column 10, lines 36-65].

As to claim 13, Mendez et al discloses the control command is terminated in

response to the user unit code stored in the client device not being the same as the user

unit code received in the message [column 10 line 66 to column 11 line 14].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Warsta U.S. Patent No. 5,713,073 as applied to claim 14 above, and further in view

of Mann et al U.S. Patent No. 6,219,712 B1.

As to claims 3 and 4, Warsta does not teach that the user unit code is transmitted

from the server device to the client device in response to a synchronization command

transmitted from the client device to the server device over the packet data network.

Warsta does not teach that the synchronization command is terminated in response to the

user unit code not being received by the client device within a predetermined time period.

Mann et al teaches user unit code is transmitted from the server device to the

client device in response to a synchronization command transmitted from the client

device to the server device over the packet data network. Mann et al teaches that the

synchronization command is terminated in response to the user unit code not being received by the client device within a predetermined time period [column 15, lines 6-67].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Warsta so that user unit code would have been transmitted from the server device to the client device in response to a synchronization command transmitted from the client device to the server device over the packet data network. The synchronization command would have been terminated in response to the user unit code not being received by the client device within a predetermined time period.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Warsta by the teaching of Mann et al because it reduces network congestion by decreasing the rate value [column 2, lines 1-11].

7. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warsta U.S. Patent No. 5,713,073 as applied to claim 14 above, and further in view of Mann et al U.S. Patent No. 6,219,712 B1.

As to claims 19 and 20, Warsta teaches transmitting an acknowledgement message from the client device to the server device over the packet data network in response to receipt of the identifier, wherein the identifier is stored at the server device in response to the acknowledgement message, as discussed above. Warsta teaches determining whether the identifier is received at the client device within the predetermined time period. Warsta teaches terminating the step of generating and transmitting a unique identifier in response to the identifier not being received at the client device within the predetermined time period, all as discussed above.

Warsta does not teach entering a synchronization command at the server device and the client device within a predetermined time period. Warsta does not teach transmitting the synchronization command over the packet data network from the client device to the server device. Warsta does not teach generating the identifier in response to receipt of the synchronization command by the server device and transmitting the identifier from the server device to the client device over the packet data network.

Mann et al teaches entering a synchronization command at the server device and the client device within a predetermined time period. Mann et al teaches transmitting the synchronization command over the packet data network from the client device to the server device. Mann et al teaches generating the identifier in response to receipt of the synchronization command by the server device and transmitting the identifier from the server device to the client device over the packet data network [column 15, lines 6-67].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Warsta so that a synchronization command would have been entered at the server device and the client device within a predetermined time period. The synchronization command would have been transmitted over the packet data network from the client device to the server device. The identifier would have been generated in response to receipt of the synchronization command by the server device and transmitting the identifier from the server device to the client device over the packet data network.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Warsta by the teaching of Mann et al because it reduces network congestion by decreasing the rate value [column 2, lines 1-11].
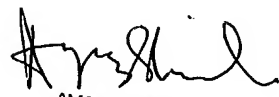
Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 703-305-1373. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy
June 25, 2004

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100